

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

PETN, UNDER ARBITRATION ACT. No 77 of 1998

For Approval and Signature:

Hon'ble ACTG.CHIEF JUSTICE MR. C.K.THAKKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

MEHTA INTEGRATED FINANCE LTD.

Versus

GAYATRI PRINTERS,

Appearance:

MR UNMESH D SHUKLA for Petitioner
MR JT TRIVEDI for Respondent No. 1, 2

CORAM : ACTG.CHIEF JUSTICE MR. C.K.THAKKAR

Date of decision: 22/10/1999

ORAL JUDGEMENT

In this petition, a prayer is made for appointment of arbitrators. Clause 40 of the agreement reads thus:

"If any dispute or difference or question of

interpretation shall arise between the parties hereto in any way arising out of this contract, this deed or as to their rights, duties or liabilities under this contract, then and in every such case the matter under dispute shall be decided through arbitration by two arbitrators one to be appointed by each party and in the case of arbitrators disagreement to an arbitrator to be appointed by the said arbitrators whose decision shall be final, conclusive and binding upon the parties and the provisions of the Indian Arbitration Act, 1940 or any statutory modification thereof for the time being will apply. Reference to arbitration as above shall be made within six months of the arising of the rights to refer to arbitration"

So far as petitioner is concerned, it is stated in the notice issued on November 6, 1998 that Mr. J.A.Adeshra, advocate be appointed as arbitrator of the petitioner. It is stated at the Bar that Mr Adeshara has shown his readiness and willingness to work as arbitrator.

The respondent has filed a purshis wherein it is stated that on behalf of the respondent, Mr. Sanatkumar Bhatt shall act as arbitrator and that he has also shown his readiness and willingness to work as arbitrator.

In view of the above facts and circumstances, following two persons are appointed as arbitrators under clause 40 of the agreement.

1. Mr. J.A. Adeshra
- 2 Mr. Sanatkumar Bhatt

Petition is accordingly disposed of. No costs.

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